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MONTANA HIGHWAY COMMISSION

September 20, 1971

Honorable Forrest H. Anderson
Governor of Montana
State Capitol
Helena, Montana
59601

Dear Governor Anderson:

In accordance with your request, we are submitting herewith our proposed reorganization plan for the Department of Highways.

The plan is aimed at achieving increased management improvement in a manner that will provide the best essential public services at the lowest possible cost.

Respectfully yours,

Montana State Highway Commission

Chairman

Member

Member

Member

Member

GEORGE W. GANNON, Director

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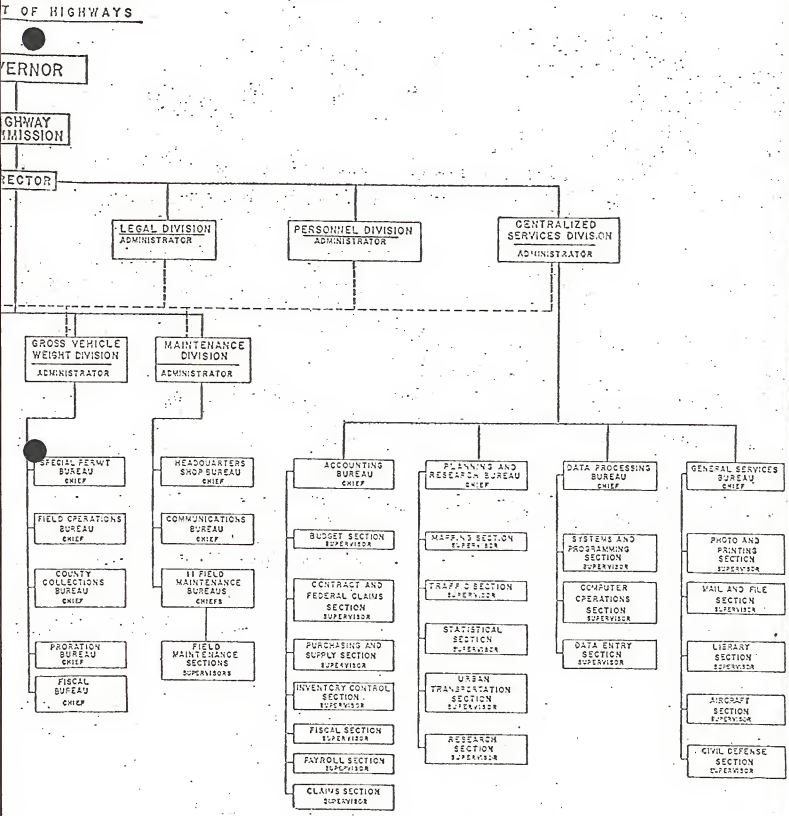

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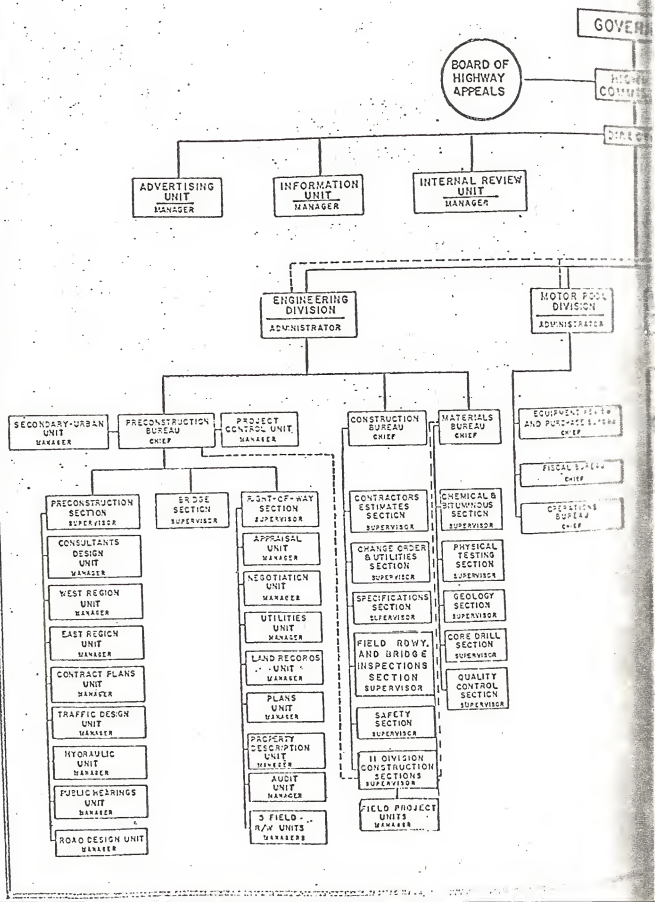
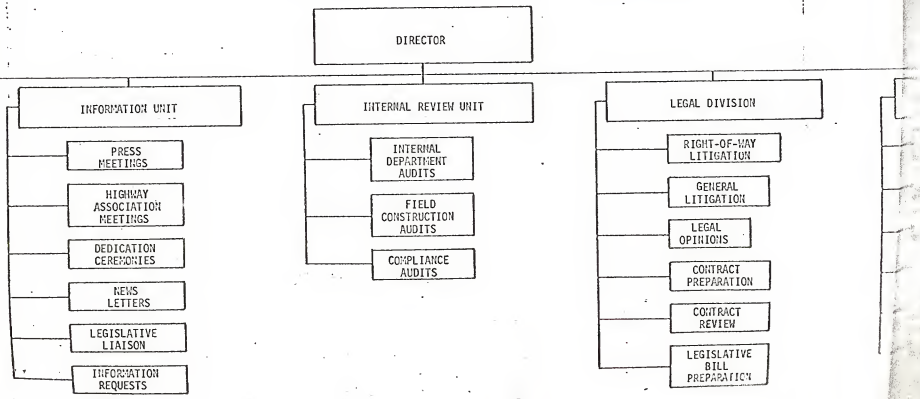
DEPARTMENT O



DEPARTMENT OF HIGHWAYS

FUNCTIONAL ORGANIZATION CHART

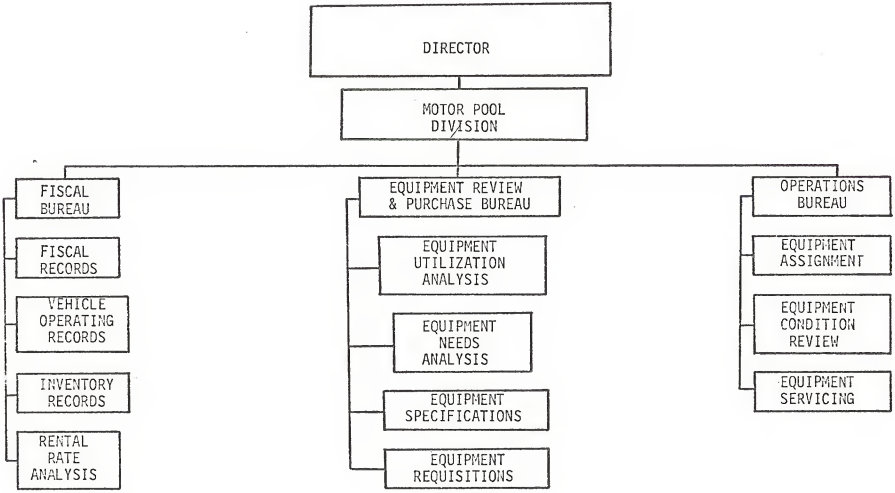
ADVERTISING UNIT, INFORMATION UNIT, INTERNAL REVIEW UNIT, LEGAL DIVISION, PERSONNEL DIVISION



DEPARTMENT OF HIGHWAYS

FUNCTIONAL ORGANIZATION CHART

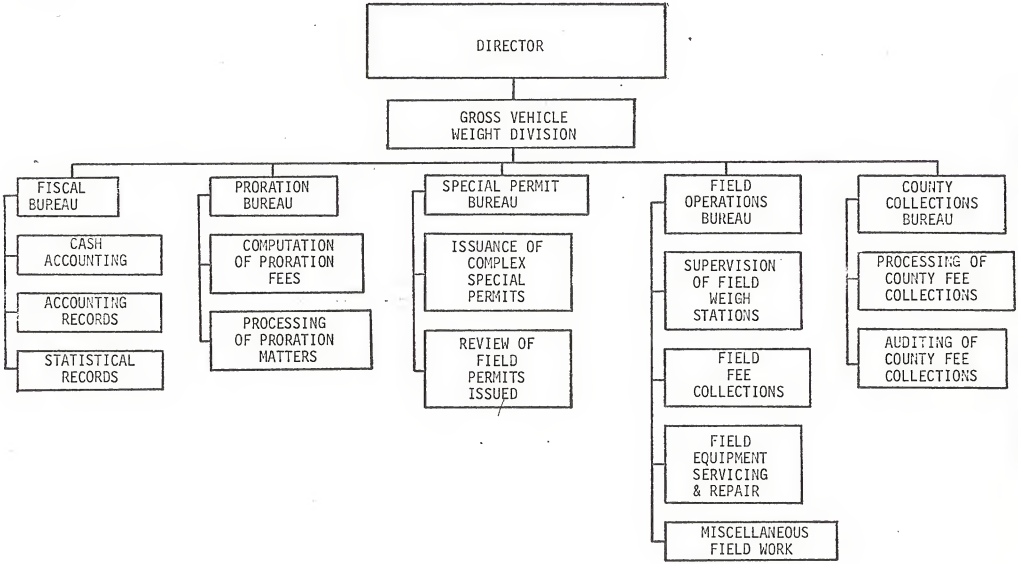
MOTOR POOL DIVISION



DEPARTMENT OF HIGHWAYS

FUNCTIONAL ORGANIZATION CHART

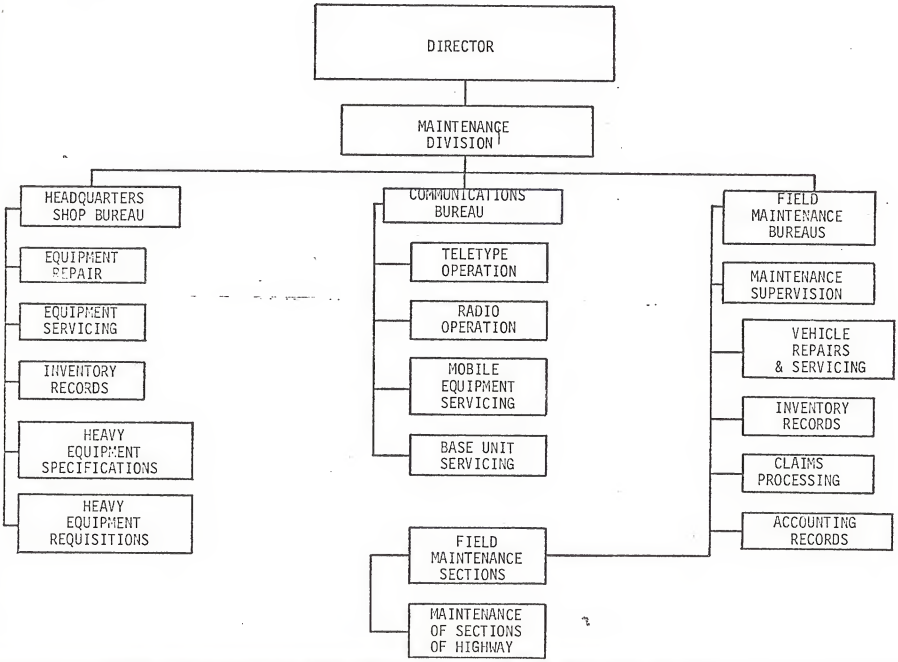
GROSS VEHICLE WEIGHT DIVISION



DEPARTMENT OF HIGHWAYS

FUNCTIONAL ORGANIZATION CHART

MAINTENANCE DIVISION



DEPARTMENT OF HIGHWAYS

MAJOR PROGRAMS

General Operations Program

Description: The General Operations Program will include the overall administrative activities and related service functions which are essential to and support the other highway programs. The following activities will be included in this program: information, budgeting, accounting, auditing, photo and processing, data processing, library, mail and file, planning and research, civil defense, aircraft, legal counsel and personnel.

Authority: This program is included in the authorization for highway activities found in Title 32, Chapters 16 through 27, R.C.M. 1947.

Division Responsible: The primary responsibility for carrying out the activities of the General Operations Program will be with the Centralized Services, Legal and Personnel Divisions. Information and auditing will be performed by units responsible directly to the Director.

State-wide Motor Pool Program

Description: The 1971 Legislative Assembly authorized the Highway Department to implement a plan for a state-wide motor pool. Highway Department personnel will be responsible for procuring vehicles, maintaining the vehicles and managing the use of the vehicles.

Authority: Title 53, Chapter 5, R.C.M. 1947

Division Responsible: Motor Pool Division (The maintenance of vehicles in the field will be carried out through the field maintenance divisions.)

Preconstruction Program

Description: The Preconstruction Program generally will include the activities which are concerned with highway development from the original program phase through subsequent phases of highway location, design, right-of-way acquisition, public hearings and the final processing of the highway project for contract award. The activities of the Program will include scheduling and programming highway projects for construction, detailed design and location engineering and land acquisition.

Authority: This program is included in the authorization for highway activities found in Title 32, Chapters 16 through 27, R.C.M. 1947.

Division Responsible: Preconstruction Bureau of Engineering Division

Construction Program

Description: The Highway Construction Program will involve the activities from the point the project is awarded to contract through the subsequent phases of construction until the project is completed and accepted by the State Highway Commission and the Federal Highway Administration. Subject to general supervision and guidance from headquarters offices, the majority of the work will be handled through eleven division offices. The duties of the staff of this program are materials testing, construction specifications and supervision of the construction contractors to see that the actual construction of the highways complies with established specifications and will meet federal requirements. The Construction Program will also include the department safety activities both for department employees and those employed by the construction contractors.

Authority: This program is included in the authorization for highway activities found in Title 32, Chapter 16 through 27, R.C.M. 1947.

Division Responsible: Construction Bureau of Engineering Division and Materials Bureau of Engineering Division

Maintenance Program

Description: The Maintenance Program activities will start at the point where the construction activities end. When a highway construction project is completed, responsibility will be assigned to the Maintenance Program for care, involving preventive maintenance, patching and repair, periodic resurfacing, snow removal and sanding, and other activities associated with the principal goal of keeping the highways and related facilities in the best possible condition for service to the traveling public. The Maintenance Program will also include field repair and servicing of vehicles and operation of the department's communication system.

Authority: This program is included in the authorization for highway activities found in Title 32, Chapters 16 through 27, R.C.M. 1947.

Division Responsible: Maintenance Division

Advertising Program

Description: The Advertising Program will be designed to encourage travel to and within the state by out-of-state visitors. The activities of the program will be providing information to acquaint the out-of-state residents with the attractions of the state by supplying attractive maps, brochures, and other publications describing the many points of interest. Similar information will be prepared for use in the national advertising media and in booths at travel shows around the nation.

Authority: Article XII, Section 1b, Montana Constitution (the anti-diversion amendment).

Division Responsible: Advertising Unit directly responsible to the Director.

Vehicle Taxation and Regulation Program

Description: This program's activities will be enforcement of the maximum size and weight regulations for vehicles permitted on Montana highways and collection of gross vehicle weight fees. The work of the program will be carried out through the central state office and through individuals in the field.

Authority: Title 32, Chapters 11 and 33, R.C.M. 1947.

Division Responsible: Gross Vehicle Weight Division

RULES GOVERNING INTERNAL ADMINISTRATION OF THE DEPARTMENT OF HIGHWAYS

PROMULGATION.

1. The purpose of these rules is to delineate, demarcate and describe the respective responsibilities and duties of the Commission and the Director in order to promote and insure efficient operation of the Department of Highways and to provide and insure that responsibility within the Department is clearly fixed and definitely ascertainable.

2. The Director shall provide copies of these rules to any interested person and may charge a reasonable fee for their cost.

3. These rules may be amended by the Director, subject to the concurrence of the Commission. Any change in these rules shall be effective only by specific written amendments thereto.

4. These rules supersede any rules or policies previously adopted or recognized by the Commission or Department which may conflict with the rules contained herein.

RULE 1. DEFINITIONS.

A. As used in these rules:

1. "Commission" means the highway commission provided for in Section 82A-706, R.C.M. 1947.

2. "Department" means the Department of Highways created in Section 82A-701, R.C.M. 1947.

3. "Director" means the Director of Highways, a position

provided for in Section 82A-707, R.C.M. 1947.

RULE 2. POWERS AND DUTIES OF THE COMMISSION.

The following powers and duties of the Department are reserved to and shall be performed by the Commission:

A. To meet as required by Section 32-2405, R.C.M. 1947;

B. To meet and hold hearings and to issue proper orders in pursuance thereof; however, the Commission may delegate to the Director the holding of hearings in matters specified by the Commission, and may prescribe, consistent with law, the manner of conducting such hearings, but the final determinations and orders resulting from such hearings shall be made by the Commission;

C. To concur in the negotiation and execution of all contracts and agreements for and on behalf of the State which are, or may be, entered into with the United States, or any officer, department or bureau thereof relating to the construction, reconstruction, repair and maintenance of highways in the State;

D. To concur in the making of all rules necessary to comply with the provisions of the Federal-Aid Road Act, approved July 11, 1916, and the Federal Highway Act, approved November 9, 1921, and all amendments thereto;

E. To concur in the doing of all other things necessary or required to carry out fully the co-operation contemplated by the Acts of Congress above referred to;

F. To concur in the planning, laying out, altering, constructing, reconstructing, improvement, repair, maintenance and abandonment of highways on the Federal-Aid systems and state highways;

G. To concur in co-operating and contracting with counties and municipalities to provide assistance in performing the above-mentioned functions on other highways and streets;

H. To concur in designating such public highways in the state as shall be classed as the Federal-Aid primary system;

I. To concur in co-operating with the various boards of county commissioners in selecting such public highways in the state as shall be classed as the Federal-Aid secondary system;

J. To concur in co-operating with adjoining states in the selection of the routes of the Federal-Aid interstate system;

K. To concur in the designation of such public highways in the state as shall be classed as state highways and in the making of necessary rules and regulations for the construction, repair, maintenance and marking of state highways and bridges;

L. To concur in the negotiation and execution of contracts with the United States or any state or group of states, or agencies thereof, or any non-profit association, on a joint or co-operative basis, to study and analyze or test the effects of weights on highways.

M. To concur in the contracting for the certified seeding of borrow pits, slopes and shoulders where suitable

after a Federal-Aid or state highway has been constructed and to solicit the recommendations and specifications of the Montana Extension Service, the experiment stations and the Soil Conservation Service in this connection;

N. To concur in establishing the location, width and lines of new, reconstructed or proposed highways and in the declaring of any road, state or primary, as a controlled access facility and in this connection the descriptions and plans shall show the center line and established width and immediate boundary lines of all private property over, across or through which said highway shall pass, including the name or names thereof, the boundaries of that part of such private ownership as shall be included within the right of way of said highway and the parcel number assigned to that part of each ownership included within said highway right of way, together with the project number under which said highway shall be, or is proposed to be constructed or reconstructed;

O. To concur in holding appropriate hearings for the making and publishing of reasonable requirements for the installation, construction, maintenance, repair, renewal or relocation of tracks, pipes, mains, conduits, cables, wires, towers, poles and other equipment and appliances of any utility in or along, over, across, through or under any project on any of the Federal-Aid systems;

P. To concur in effecting the payment of 75% of all costs of relocation, including the cost of acquisition of new right of way, dismantling and removal of said facilities

as a cost of highway construction;

Q. To concur in the establishment of temporary or permanent ports of entry or checking stations in the State of Montana at such places as shall be deemed necessary and advisable and at convenient points on the major highways entering the State of Montana;

R. To concur in the expenditure of funds apportioned by the United States for landscaping and roadside development within rights of way of Federal-Aid highways in the State of Montana; and for the acquisition of interests in and improvements of strips of land necessary for the restoration, preservation and enhancement of scenic beauty adjacent to Federal-Aid highways in this state; and for the acquisition and development of publicly owned and controlled rest and recreational areas and sanitary and other facilities within or adjacent to Federal-Aid highway rights of way reasonably necessary to accomodate the traveling public;

S. To concur in the acquiring of a fee simple or any lesser estate or interest reasonably necessary to accomplish the purposes of Montana state statutes;

T. To concur in contracting for the fencing of the right of way of any part of the state highway system that is constructed or reconstructed through open range where livestock presents a hazard to the traveling public and in this connection to provide adequate stockgates or stockpasses in order to make land on either side of the highway useable

for livestock purposes;

U. To concur in the designation of open range areas where livestock present a sufficient safety hazard to the traveling public to warrant fencing;

V. To concur in the granting, denial, revocation, renewal, or suspension by the Department of all licenses, permits, exemptions, and certificates;

W. To adopt all rules, regulations, and standards.

RULE 3. POWERS AND DUTIES OF DIRECTOR.

A. The Commission delegates to the Director the responsibility for the performance of those powers and duties set forth for department heads under section 82A-107 of the Executive Reorganization Act, R.C.M. 1947, except he may not perform those duties and powers reserved to the Commission under Rule 2. In addition, the Director shall:

1. Sign contracts for the Department;

2. Accept, account for, and disburse moneys;

B. The Director may recommend for the Commission's consideration any rules, regulations, or standards or changes in any existing rules, regulations, or standards;

C. The Director may create advisory councils in accordance with section 82A-110, R.C.M. 1947;

D. The Director may recommend for the Commission's consideration any other matter which requires Commission

action under Rule 2 of these rules, and he may, in his discretion, bring any matter not requiring Commission action to the Commission for its discussion, recommendation, or concurrence.

E. The Commission hereby approves and concurs in any action taken by the Director pursuant to the powers and duties delegated to him under Rule 3.

RULES GOVERNING RESPONSIBILITY AND DUTIES
OF THE BOARD OF HIGHWAY APPEALS

PROMULGATION.

1. The purpose of these rules is to delineate, demarcate and describe the responsibilities and duties of the Board of Highway Appeals created and allocated to the Department of Highways in Section 82A-704 (1) and (2), R.C.M. 1947.

2. The Board of Highway Appeals shall exercise its quasi-judicial and policy-making functions independently of the Department of Highways and without control or approval of the Department.

3. The Director shall provide copies of these rules to any interested person and may charge a reasonable fee for their cost.

4. These rules may be amended by the Board. Any change in these rules shall be effective only by specific written amendments thereto.

RULE 1. DEFINITIONS.

A. As used in these rules:

1. "Board" means the Board of Highway Appeals created in Section 82A-704, R.C.M. 1947.

2. "Department" means the Department of Highways created in Section 82A-701, R.C.M. 1947.

3. "Director" means the Director of Highways, a position provided for in Section 82A-707, R.C.M. 1947.

4. "Employee" means any person in the employ of the Department.

RULE 2. POWERS AND DUTIES OF THE BOARD.

The following powers and duties of the Board are reserved to and shall be performed by the Board:

A. To meet at least four times in each calendar year, or oftener as required by the press of business in the discretion of the Chairman of the Board.

B. To hold hearings and issue proper orders as provided for in Section 82A-704, (4) R.C.M. 1947.

RULE 3. GRIEVANCE PROCEDURE.

In the matter of perfecting grievances of personnel of the Department to the hearing stage, the following procedure shall be followed:

Step One:

A. An employee who is a union member and who is covered by these rules of procedure, who feels his rights have been violated, shall first consult with his immediate supervisor in an effort to seek a remedy. If such consultation does not resolve the problem, he shall then report that fact in writing to his union grievance committee, within five working days, stating the nature of the alleged violation and the remedy sought, and the Chairman of the committee shall present the grievance and the committee's recommendation to the appropriate supervisor in writing, stating the nature of the

grievance and the remedy sought. The appropriate supervisor will discuss with the union grievance committee chairman, the facts of the grievance, in an effort to effect a settlement. Within five working days thereafter the appropriate supervisor shall submit his decision in writing to the union grievance committee chairman. Such reply shall be signed by the appropriate supervisor.

B. An employee who is not a union member and who is covered by these rules of procedure, and who feels his rights have been violated, shall first consult with his immediate supervisor in an effort to seek a remedy. Within five working days thereafter the appropriate supervisor shall submit his decision in writing to the employee. Such reply shall be signed by the appropriate supervisor.

Step Two:

A. Should the union grievance committee, in the case of a union employee, decide that the reply of the appropriate supervisor is unsatisfactory, the union grievance committee chairman shall submit the grievance within five working days after receipt of the appropriate supervisor's decision to the Board of Highway Appeals which, at its next regular meeting, whether regular or special, shall discuss with the union grievance committee the facts of the grievance in an effort to effect a settlement.

B. Should the employee, in the case of a non-union member,

decide that the reply of the appropriate supervisor is unsatisfactory, said employee may submit the grievance within five working days after receipt of the appropriate supervisor's decision, to the Board of Highway Appeals which, at its next regular meeting, whether regular or special, shall discuss the facts of the grievance in an effort to effect a settlement. Within twenty working days thereafter, the Board of Highway Appeals will submit its decision in writing to the union grievance committee or to the employee, as the case may be.

Step Three:

Should the aggrieved employee and the union, or the employee himself, in the case of a non-union member, consider the decision of the Board of Highway Appeals to be unsatisfactory, the union, or the employee himself, shall, within five working days of receipt of such decision, notify the Board of its intention to demand a formal hearing.

Step Four:

The Board shall conduct a hearing thereon as requested or demanded, or if the Board itself deems the hearing desirable, and shall thereafter make a written finding of fact and a decision, copies of which shall be given to the employee, grievance committee, supervisor and director. The decision of the Board shall be final.

RULE 4. BOARD OF HIGHWAY APPEALS HEARINGS:

A. TIME OF HEARINGS:

Hearings on appeals shall be held within a reasonable time after the filing thereof, and at such time and place as shall be fixed by the chairman of the board.

B. NOTICE OF HEARING:

Notice of the time and place set for hearing shall be given promptly by the director to the employee, grievance committee and supervisor at least five days prior to the hearing by registered mail addressed to the above named parties at their last known post office address.

C. THE BOARD SHALL HAVE ACCESS TO PERTINENT DATA:

In order to properly discharge its function in regard to the review of such disciplinary action, the Board shall have access to any files, correspondence, memoranda, etc., which it believes might be pertinent to the case and shall have the right of questioning any officers or employees of the state. No officer or employee shall himself be subject to disciplinary action as a result of testimony given in such a hearing.

D. CONDUCT OF HEARINGS:

Hearings before the Board shall be conducted in an orderly manner with a view to the presentation of all material facts so that a fair and

impartial decision may be made. Hearings shall be conducted in an informal manner and shall not be limited by the rules of evidence and procedure which might be applicable in a court of law. Notwithstanding the foregoing, however, the chairman of the board shall have full authority at all times to maintain orderly procedures and to reject irrelevant matters and to limit the hearings to relevant facts.

E. ADJOURNMENT:

Hearings on complaints may be adjourned only upon good cause showing. In the event that any party to the grievance shall fail to appear in person or be represented by counsel at the time and place set for a hearing, that party shall be presumed to have waived his right to a future hearing, and the Board may investigate and make its determination based upon the matters presented to it at such hearing.

F. REPRESENTATION:

Parties to a grievance may, at their election, be represented by counsel, provided that notice of such representation shall be filed with the chairman at least 48 hours prior to the time set for hearing.

G. DECISIONS:

Decisions of the Board shall be promptly reduced

to writing, setting forth its findings and decision and filed with the director of the Department of Highways and a copy thereof to the employee, the grievance committee and supervisor. The Board's decision may be, but is not limited to, the following:

1. The Board may concur in the action of the supervisor.
2. The Board may not concur in the action thus far taken and may modify prior decisions up to and including reinstatement with full pay and with no loss in benefits.
3. If the Board finds that the action complained of was taken by the appointing authority for any political, religious, or ethnic reasons, the Board shall reinstate the employee to his former position or a position of like status and pay, without loss of pay for the period of his dismissal, demotion, or suspension, and without penalty.
4. Such other decision as under the circumstances of the case is deemed by the Board to be fair and just.

RULE 5. ELECTION OF PROCEDURAL RIGHTS.

In the event that a union or a union employee may wish to process a personnel grievance under the provisions of any existing union contract, then the foregoing procedure shall not govern, and precedence shall be given to the procedure contained in said contract.

In the event the union and union employee agree not to follow the procedure contained in any existing union contract, it shall be deemed that the said aggrieved party has waived his procedural rights under said contract.

RULE 6. RECIPROCITY DISPUTES PROCEDURE.

In the matter of hearing disputes that may result from the administration and enforcement of proportional registration agreements under Title 53, Chapter 7, R.C.M. 1947, the Board shall conduct the same under the general rules and procedure set forth above relating to personnel grievances.

The aggrieved party shall demand a hearing in writing and the Chairman of the Board shall set a date for the hearing and give notice thereof and conduct the same under the general rules and procedure as specified for personnel grievances.

POTENTIAL SAVINGS

The proposed plan for reorganization of the Department of Highways will result in a more coordinated operation with consequent savings. This is especially true in view of the fact that the entire department will be under the guidance of a director. In addition thereto, it is hoped that the results of the Jorgenson Study now being conducted, will provide suitable information for the making of changes and alterations in the organizational structure which will result in further savings. The theory of this study is based upon efficiency and any definite results in this area will again result in savings.

Under the provisions of the Executive Reorganization Act, the Montana State Highway Commission eventually will cease to act in the dual capacity as the Montana Highway Patrol Board. Being relieved of these time consuming duties will of itself result in savings because the full time and attention of the Commission can be expended upon highway matters.

The newly created Board of Highway Appeals will handle personnel grievances and disputes arising under proportional registration agreements, thus enabling many department employees to pursue their normal duties without time consuming interruptions in these areas.

Present plans call for a Highway Complex Building which will result in a centralized location. This also in itself will mean savings in time and expense presently expended in trips between widely scattered departments and the main highway building.

SPACE REQUIREMENTS

As stated above, the present operation is such that many departments must be housed in buildings located away from the main

highway building. The proposed Highway Complex Building will accomodate all of these operations and will release valuable office space for use by other state departments.

EXECUTIVE REORGANIZATION *ACCOUNT/APPROPRIATION TRANSFER FORM*	DATE	September 20, 1971
	PAGE DESIGNATION	1 of 1

For The Department Of:	Department of Highways *Name Of Principal Department*
EXISTING AGENCY	Highway Department

Account Number	Appropriation Number	Estimated Balance At Transfer Date	Transferred To Principal Department Named Above (✓)	Transferred To Another Principal Department (Please Name)	Retained By Existing Agency (✓)
All accounts and appropriations			X		

EXECUTIVE REORGANIZATION *PERSONNEL TRANSFER FORM*	DATE	September 20, 1971
	PAGE DESIGNATION	1 of 1

For The Department Of:	Department of Highways *Name Of Principal Department*
EXISTING AGENCY	Highway Department

EMPLOYEE'S NAME	POSITION TITLE	Transferred To Principal Department Named Above (✓)	Transferred To Another Principal Department (Please Name)	Retained By Existing Agency (✓)
All personnel		X		

EXECUTIVE REORGANIZATION *PROPERTY TRANSFER FORM*	DATE	September 20, 1971
	PAGE DESIGNATION	1 of 2

For The Department Of:	Department of Highways *Name Of Principal Department*
EXISTING AGENCY	Highway Department

Quantity	Description Of Property	Transferred To Principal Department Named Above	Transferred To Another Principal Department (Please Name)	Retained By Existing Agency
		(✓)		(✓)
	All property	X		

EXECUTIVE REORGANIZATION *PROPERTY TRANSFER FORM*	DATE	September 20, 1971
	PAGE DESIGNATION	2 of 2

For The Department Of:	Department of Highways *Name Of Principal Department*
EXISTING AGENCY	Motor Vehicle Reciprocity Board

Quantity	Description Of Property	Transferred To Principal Department Named Above (✓)	Transferred To Another Principal Department (Please Name)	Retained By Existing Agency (✓)
	All property	X		